


APPENDIX Id DETAILED SUMMARY OF CHANGES

SUMMARY OF CHANGES

The proposed changes incorporated herein reflect the efforts of the Energy Facility Siting, Licensing and Operation Study Committee. This summary attempts to identify the complete list of modifications - it defines the change, locates it in the proposed statute, and references the original location in the original statute. If no reference to a statute is made, then no change is proposed except to re-number it to conform to the new proposed statute.

1. RSA 162-F, Electric Power Plant, Transmission Siting and Construction Procedure, and RSA 162-H, Energy Facility Evaluation, siting, Construction and Operations, are combined into a single new statute - RSA 162-H, Energy Facility Evaluation, Siting, Construction and Operations.
2. The provisions of HB 1344, which was enacted into law to become effective January 1, 1991 (162-H:20).
3. It combines the Declarations of Purpose of the two original statutes into a single, two-part declaration (162-H:1).
4. It expands the definition of "Energy" from power derived from "a natural resource" to "any natural resource" to recognize that there are energy sources other than coal, oil, and gas (162-H:2).
5. It expands the definition of "Energy Facility" to include facilities which "transport" or "produce" sources of energy. This change eliminates controversy to assure that major natural gas pipeline projects are subject to the statute (162-H:2).
6. It expands the jurisdiction of the statute to include electric generating station equipment capable of operation at a capacity of 30 megawatts or more. The present statute provides for jurisdiction over plants of 50 megawatts or more (162-H:2).
7. It adds a definition of "Acceptance" of an application to define differences between "acceptance" and "receipt" (162-H:2).

8. It adds a definition of "Receipt" of an application to define differences as noted above.
9. It adds the Director of the Governor's Energy Office to the Site Evaluation Committee, since that office's input to energy planning is essential in establishing New Hampshire's energy policy.
10. It provides that the three Public Utilities Commissioners sit as a body on the new committee.  Currently, the three commissioners sit on the Site Evaluation Committee (162-F), but only the chairman sits on the Energy Facility Committee (162-H). (162-H:3).
11. It commits the Chairman of Environmental Services to sit on the committee, and denies him the opportunity to delegate an alternate member to sit in his place. Currently, he is the only member who has delegation authority (162-H:3).
12. It specifies that the Chairman of the Public Utilities Commission is the Vice-Chairman of the Site Evaluation Committee (162-H:3).
13. It assures that the Attorney General's office is notified that an application has been submitted, immediately upon notification. Under the current process, the Attorney General's office has often not become aware that an application has been received until the committee has reviewed and accepted it for filing (162-H:9).
14. It eliminates the provision which requires the committee to establish a fee schedule, since there are no financial requirements to be imposed on an applicant other than those identified in other sections of the statute (original 162-F:6 and 162-H:6).
15. It requires the petitioner to notify the chairman of the board of selectmen, or mayor, of each community in which a proposed facility is to be located, prior to the submission of the application to the committee (162-H:17).
16. It requires the petitioner to conduct public informational meetings for any requesting community in which a facility is proposed, in addition to the hearings conducted by the committee pursuant to other sections of the statute (162-H:18).
17. It eliminates the need for public hearings on plants proposed, in utility Long Range Plans, for construction within five years. The statute was duplicative in that no plant can be built without the scrutiny of such

hearings pursuant to this statute, and was unnecessary to the extent that the Long Range Plans do not represent committed plans (original 162-F:5);

18. Deletes the requirement that applications be filed not less than 16 months prior to the planned date of construction, since construction is denied prior to approval of the application in any event (original 162-F:6).
19. Transfers that portion of existing RSA 162-F pertaining to "Decommissioning of Nuclear Electric Generating Stations" to a new statute.
20. Requires the applicant to include each individual agency's application forms with the petition, to assure that each agency's individual permit requirements are met. No such specific requirements exist under current statutes (162-H:6).
21. Sets a specific period of time of 60 days within which the committee must act to accept or reject an application for filing. No such specific requirement exists (162-H:6).
22. Requires the committee to begin holding public informational meetings within 30 days of acceptance of an application for filing. Current statute requires such hearings within 60 days of acceptance (162-H:6).
23. Requires progress reports from all participating state agencies within 5 month of acceptance of an application. No requirement now exists for progress reports (162-H:6).
24. Requires state agencies to submit final decisions on those parts of the application as relate to their jurisdiction not later than 8 months after acceptance of the application. No such requirement currently exists (162-H:6).
25. In the case of a bulk power application, the committee must issue its findings within 9 months of the receipt of the application. Findings are then sent to the Public Utilities Commission for certification. Current statute allows 14 months for such findings (162-H:6).
26. In the case of a bulk power application, the public utilities commission must issue or deny the certificate within 10 months of receipt of the application. No further approval is necessary. Current statute allows 16 months for such certification (162-H:6).
27. In the case of an energy application, the committee must issue its findings within 10 months of the receipt of

the application. No further approval is necessary. Current statute allows 14 months for such findings (162-H:6).

28. Provides that each permitting agency may impose its usual statutory fees. No such provision exists in current statutes (162-H:7).
29. Deletes current provision which prohibits the general public from asking questions of an applicant at a public informational hearing. It makes the informational hearing process more accessible to the public (162-H:10).
30. Provides for "at least one" public informational hearing at the beginning of the processing of either a bulk power application or an energy facility application. Current statute limits energy facility process to a single informational hearing (162-H:10)1
31. Deletes "Exemption" section of existing statute, since it relates only to power plants proposed for construction within 4 years of the existing 1972 statute (162-F:7).
32. Requires any state agency which is not a member of the site evaluation committee, but which has agency requirements of the applicant, to submit their decision on such parts of the application as it relates to their jurisdiction, within 8 months of the date of acceptance of the application (162-H:19).
33. Requires a committee finding that an applicant for a bulk power facility has adequate financial, technical, and managerial capability to construct and operate the facility. That requirement currently exists for energy facilities, but the statute is silent in regard to bulk facilities (162-H:19).
34. Allows the committee to condition a certificate upon the results of any required federal agency studies whose study period exceeds the application period. No such requirement exists. This acknowledges that some federal requirements cannot be met within the 10 month licensing period (162-H:19).
35. Provides that the commission may consult with interested regional agencies and agencies of border states when considering certification of a bulk power facility. Such provision currently applies only to the committee's consideration of an energy facility (162-H:19).

36. Provides that the committee will consider the views of municipal and regional planning commissions and municipal legislative bodies when deliberating on an energy application. Current statute only applies to commission's consideration of a bulk facility (162-H:19).
37. Gives the Public Utilities Commissioners a single (combined) vote on issues regarding energy facility siting applications. Currently, only the Chairman sits on that committee. Since energy issues involve the entire commission, all three members should sit, but in order not to give them an unfair voting advantage, they will have a single vote (162-H:19).